



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION FOR THE  
**CANYON POWER PLANT**

DOCKET No. 07-AFC-9

**NOTICE OF PREHEARING CONFERENCE  
AND EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **CANYON POWER PLANT PROJECT (CPP)** project has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

***The Prehearing Conference and Evidentiary Hearing will be conducted on:***

**MONDAY, November 2, 2009  
Beginning at 10:00 a.m.**

**California Energy Commission  
Hearing Room B  
1516 Ninth Street  
Sacramento, CA 95814**

**TELECONFERENCE OPTION:** The following toll free phone number will be available at 10:00 a.m. for callers to participate in the hearings:

**Call: 1-888-455-9737  
Use Passcode: "Canyon"  
Conference Leader: "Paul Kramer"**

**PLEASE TAKE NOTICE** that the Committee has established the following filing schedule:

<b>ITEM</b>	<b>DATE</b>
Staff files FSA	Thursday, October 8, 2009
Last day to file Petitions to Intervene	Wednesday, October 21, 2009
Parties file testimony and Prehearing Conference Statements	Tuesday, October 27, 2009
Prehearing Conference/Evidentiary Hearing	Monday, November 2, 2009

### **Purpose of Prehearing Conference**

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenor) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those topics that require further analysis, including the nature of, and time frame for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Provided that some or all of the topic areas are found ready to proceed to hearing, the Evidentiary Hearing will commence immediately following the Prehearing Conference.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 07-AFC-9" on any written comments.

### **Prehearing Conference Statements**

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, by **4 p.m. on October 27, 2009**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note:** witnesses must have professional expertise in the scope of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following *section* on format);
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

### **Format for Presenting Evidence**

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**.
  - Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 199.
  - Staff's exhibits shall be numbered consecutively as Exhibits 200 through 299.

***Printed copies of the Exhibits shall be provided to the Committee and other parties no later than 4 p.m. on October 27, 2009 and supplemented at the Evidentiary Hearing, as necessary.***

2. To facilitate the efficient organization and review of the Project, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each document.

### **Petitions to Intervene to Become a Formal Party**

The Energy Commission's Decision on the Canyon Power Plant Project (CPP) will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenor) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

Anyone with an appropriate interest in the CPP may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties. There are presently no Intervenor in this case.

The deadline to file a Petition to Intervene in this case is **Wednesday, October 21, 2009**. Time extensions will be granted for new Intervenor to review case materials only upon a showing of extraordinary good cause.

### **How to Intervene**

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at 916-654-4489 or 800-822-6228 or e-mail: **[[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)]**.

### **Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

## Energy Commission Information

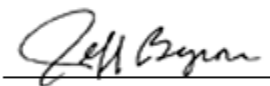
Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at (916) 654-5103 or e-mail: [\[pkramer@energy.state.ca.us\]](mailto:pkramer@energy.state.ca.us).

Technical questions concerning the Project should be addressed to Eric Solorio, the Staff Project Manager, at (916) 651-0966, or by e-mail: [\[esolorio@energy.state.ca.us\]](mailto:esolorio@energy.state.ca.us).

Media inquiries should be directed to the office for Media and Public Communications at 916-654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us). If you have a disability and need assistance to participate at Commission-sponsored events, please contact Lourdes Quiroz at 916-654-5146 or e-mail at: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information concerning the status of the Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's website at: [\[www.energy.ca.gov/sitingcases/canyon\]](http://www.energy.ca.gov/sitingcases/canyon).

Dated October 13, 2009, at Sacramento, California.



JEFFREY D. BYRON  
Commissioner and Presiding Member  
Canyon AFC Committee



ARTHUR H. ROSENFELD  
Commissioner and Associate Member  
Canyon AFC Committee